

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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BONNIE HAGEN,

Plaintiff,

Civil 14-0576 (DSD/JJG)

v.

SHERROD SIMMONS, DENNIS FOSTER,  
and UNITED STATES OFFICE OF  
PERSONNEL MANAGEMENT,

**REPORT AND  
RECOMMENDATION**

Defendants.

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Plaintiff commenced this action by filing a complaint and an application for leave to proceed in forma pauperis, ("IFP"). (Docket Nos. 1 and 2.) This Court previously examined Plaintiff's IFP application, and found that she had not adequately demonstrated that she is indigent and unable to pay the filing fee for this action. The IFP application was therefore denied. (See Order dated March 6, 2014; [Docket No. 3].)

The order denying Plaintiff's IFP application informed her that she could still maintain this action as a NON-IFP litigant, if she paid the full filing fee within 20 days. Plaintiff was advised that if she did not pay the filing fee within the time allowed, the Court would recommend that this action be dismissed, without prejudice, pursuant to Fed. R. Civ. P. 41(b).

The deadline for paying the full filing fee for this action has now passed, and Plaintiff has not paid the fee, nor has she offered any explanation for her failure to do so. Indeed, Plaintiff has not communicated with the Court at all since she commenced this action. Therefore, it is now recommended, in accordance with the Court's prior order in

this case, that Plaintiff be deemed to have abandoned this action, and that the action be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b). See Henderson v. Renaissance Grand Hotel, 267 Fed.Appx. 496, 497 (8<sup>th</sup> Cir. 2008) (unpublished opinion) (“[a] district court has discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order”); see also Link v. Wabash Railroad Co., 370 U.S. 626, 630-31 (1962) (recognizing that a federal court has the inherent authority to “manage [its] own affairs so as to achieve the orderly and expeditious disposition of cases”).

Based upon the above, and upon all the records and proceedings herein,

**IT IS HEREBY RECOMMENDED** that:

This action be **DISMISSED WITHOUT PREJUDICE**.

Dated: April 1, 2014

s/ Jeanne J. Graham  
JEANNE J. GRAHAM  
United States Magistrate Judge

## **NOTICE**

Pursuant to District of Minnesota Local Rule 72.2(b), any party may object to this Report and Recommendation by filing and serving specific, written objections by **April 21, 2014**. A party may respond to the objections within fourteen days after service thereof. Any objections or responses shall not exceed 3,500 words. The District Judge will make a de novo determination of those portions of the Report and Recommendation to which objection is made.